IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No. 1015 of 2002 (O&M)
Date of Decision : 16.3.2010.

Chet Ram & others ..... Appellants

Versus

State of Haryana ....Respondent

CORAM : HON'BLE MR. JUSTICE NAWAB SINGH

Present:- Mr. Arun Jain, Sr. Advocate with
Mr. Sunil Garg, Advocate,
for the appellants.

Mr. Lekh Raj Nandal, AAG Haryana,
for the respondent-State.

NAWAB SINGH J.(ORAL)

This judgment would dispose of 16 appeals bearing RFA No. 1015, 1603, 1129, 979, 1724, 1773, 345, 2034 to 2037, 3034, 3129, 344, 1127 of 1992 and 1299 of 1994 arising out of the judgment/Award dated November 7th, 1991 passed by Additional District Judge, Faridabad (hereinafter referred to as “the Court of Reference”), because identical question of law and facts are involved in all the appeals.

2. Pursuant to notification dated April 20th, 1987 under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), Haryana Government acquired 438.36 acres of land situated in village Badkhal District Faridabad for public purpose, that is, development and utilization of land as institutional area to carve out Sector 48, Faridabad. The Land Acquisition Collector, Faridabad assessed the market value of the land at the rate of Rs.3,50,000/- per acre. Dis-satisfied therewith, the land owners claimed references under Section 18 of the Act. By impugned Award, Court of Reference determined the market value of the acquired land at the rate of Rs.90/- per square yard.

3. Learned counsel for the appellants have

contended that by notification dated August 22nd, 1988 land of village Mewla Maharajpur was acquired by the State of Haryana for development and utilization of land as residential and commercial to carve out Sector 46 Part-II, Faridabad. The land acquired by the present notification is adjacent to the land of village Mewla Maharajpur as is depicted in the site plan (Exhibit PA), a fact which has not been refuted by the State counsel. A Division Bench of this Court in Horam vs. State of Haryana and another (LPA No.920 of 1994 decided on July 27th, 2005) assessed the market value of land of village Mewla Maharajpur at the rate of Rs.200/- per square yard. Aggrieved of the said judgment, the state of Haryana filed Special Leave to Appeal before the Hon'ble Supreme Court of India and the Supreme Court vide judgment dated July 4th, 2006 (Annexure P-2) dismissed the appeal. In view of this, learned counsel for the appellants have contended that the market value of the land acquired by the present notification should also be assessed at the rate of Rs.200/- per square yard. The time gap between the two notifications is almost one year and four months which is not too long which could compel this Court to assess the market value at a lower rate than the rate fixed by this Court and affirmed by the Hon'ble Supreme Court particularly taking into consideration the fact that the lands acquired by both the notifications are adjacent to each other and acquired for the same purpose, that is for carving Sectors 46 Part-II and 47, Faridabad.

4. In upshot, for the reasons recorded supra, appeals filed by the land owners are accepted. Orders under challenge are set-aside. Consequently, the market value of the acquired land is assessed at the rate of Rs.200/- per square yard. Besides, they will also be entitled to receive statuary benefits on the enhanced amount of compensation as provided under the Act.

(Nawab Singh)
Judge

16.3.2010.
SN